

REMARKSPriority:

Priority to provisional Applications 60/448,789 and 60/455,724 has been rejected for lack of support for microRNA. Both '789 and '724 disclose the covalent modification of RNA and, more specifically, RNA oligonucleotides (page 1, first sentence after "Description"). Both '789 and '724 further disclose that the RNA can be interfering RNA (i.e. RNA capable of inducing RNA interference; paragraph following: "An RNA function inhibitor comprises ..."). It is known in the art that microRNA is an RNA oligonucleotide that induces RNA interference.

Rejection of the claims under 35 USC §112:

Claims 1-13 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended claim 1 to remove the indefiniteness. The remaining claims have been amended to maintain proper antecedent basis.

Rejection of the claims under 35 USC § 102:

Claims 1-2, 5, 10 and 12-13 have been rejected under 35 U.S.C. 102(b) as being anticipated by Bennett et al. (U.S. Patent No. 6,156,789). Applicants have amended the claims to obviate the rejection. Specifically, Applicants have amend claim 1 to incorporate the limitations of claims 3.

Claims 1-2, 4-9 and 13 have been rejected under 35 U.S.C. 102(b) as being anticipated by Goldsborough (WO 01/94626). Applicants have amended the claims to obviate the rejection. Specifically, Applicants have amend claim 1 to incorporate the limitations of claims 3.

Claims 1-2, 4, 10 and 12 have been rejected under 35 U.S.C. 102(e) as being anticipated by Tuschl et al. (WO 02/44321). Applicants have amended the claims to obviate the rejection. Specifically, Applicants have amend claim 1 to incorporate the limitations of claims 3.

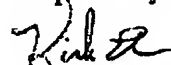
Rejection of the claims under 35 USC § 103:

Claims 1-9 and 13 have been rejected under 35 U.S.C. 103(a) as being obvious over Goldsborough (WO 01/94626) in view of Monahan et al. (U.S. Patent No. 6,630,351).

With this paper, Applicants submit a Declaration under 37 C.F.R. 1.132 showing that the invention disclosed in the copending application is not "by another".

The Examiner's rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1 and 4-13 should be allowable.

Respectfully submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 9/19/2005



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